

REMARKS

Claims 1 - 8 are pending in the present application. In the Office Action of July 28, 2008, Claims 1 - 3 and 5 - 7 were rejected under 35 U.S.C. §103. Notably, the previous rejections under 35 U.S.C. §103 have been withdrawn. However, a new rejection under 35 U.S.C. §103 in view of new prior art has been issued. Meanwhile, the remaining Claims 4 and 8 were objected to, but indicated as allowable if rewritten in independent form to include all of the limitations of their base claim and any intervening claims.

Respectfully, the prior art cited by the Examiner, even in combination, and even taking a liberal view of the disclosures therein, would not suggest Applicant's invention. Accordingly, reexamination, reconsideration and allowance of all Claims 1 - 8 is requested.

REJECTION UNDER 35 U.S.C. §103

In the recent Office Action, Claims 1 - 3 and 5 - 7 were rejected under 35 U.S.C. §103 as unpatentable over *Petite* (U.S. Patent No. 6,430,268) in view of *Spencer et al.* (U.S. Patent No. 6,195,243). Respectfully, the combination of *Petite* and *Spencer et al.* does not disclose or suggest several limitations of independent Claims 1 and 5. Specifically, neither *Petite* nor *Spencer* suggest utilizing a voice recorder for storing voice messages corresponding to default conditions and transmitting the voice messages over a public switched telephone network to a machine operator's voice answering machine. Accordingly, the claims are not anticipated by the combination of *Petite* and *Spencer*, and it is requested that the rejection be withdrawn and all claims allowed.

Applicant's Invention

Applicant's invention is directed to a system for requesting service of a machine requiring periodic maintenance, such as a vending machine. Like many prior art systems, the alert system of Applicant's invention includes one or more sensors for detecting default conditions, such as a low quantity of cans of soda. Unlike prior art systems, Applicant's invention also includes a voice recorder for storing one or more voice messages corresponding to default conditions, a transmitter for transmitting the voice messages to the machine operator, and a trigger connected to the one or more sensors and the transmitter for initiating the transmission of the voice messages in accordance with predetermined conditions. The voice messages are transmitted over the public switched telephone network (PSTN) to be heard by the machine operator personally or

to be stored on the machine operator's voice answering system. The transmitter may be a simple auto-dialer connected by traditional phone cords to a nearby phone jack. Of importance, independent Claims 1 and 5 of the present application include each of the aforementioned limitations directed to the system including a recorder storing one or more prerecorded voice messages, a transmitter for transmitting voice messages and a trigger for transmitting voice messages over the PSTN.

Petite

Petite is directed to an alert system for vending machines. The alert system includes a transmitter for transmitting alerts from a first location (such as a vending machine) over a public switched telephone network to a central station. The system includes a controller for controlling the transmission of the signal and the communication over the telephone line. Meanwhile, the central station includes a decoder for decoding the signal.

Of utmost importance, *Petite* does not suggest the transmission of voice messages over the PSTN. Instead, the alert signal is an "instruction code". (See Abstract; column 2, lines 56 - 64; and column 5, lines 35 - 50). The instruction code may be a single byte of 8 bits or may comprise 2 bytes defining over 65,000 functions or instructions. A substantial portion of *Petite* describes the low power transmission of the coded signal and how it may be encrypted. (See columns 5 - 7). However, there is no suggestion whatsoever within *Petite* that the alert system transmit a voice message, that the alert system include a voice recorder, or that the system include a trigger for transmitting voice messages as claimed by Applicant. In fact, the word

“voice” appears in *Petite* only once, in column 9, lines 19 - 30. Therein, *Petite* describes an embodiment where the alert system may transmit the encoded data, but a person may simultaneously use the PSTN for making a traditional phone call. However, again this portion of *Petite* does not suggest that the alert system transmits any sort of voice message.

Notably, the Examiner concedes “**Petite fails to disclose a recorder storing one or more pre-recorded voice messages, said voice messages corresponding to machine event.**” (Page 3, paragraph 5). Furthermore, since *Petite* nowhere refers to voice messages, it does not suggest the transmission of voice messages over a PSTN, or the recording of such voice messages on an answering machine as claimed by Applicant.

Spencer

Spencer describes a system for monitoring and displaying the status of building circuit breakers. *Spencer* describes the implementation of digitally enhanced circuit breakers (DE breaker) and the use of DE breakers to analyze power line circuit conditions in a power distribution system. The system includes a central controller for downloading data from DE breakers for storage in a central memory. Further, the operating profiles of the individual circuit breakers may be adaptively reconfigured by the central controller coupled through a communication network to each circuit breaker. Historical power line data may be sampled and accumulated for selection of appropriate operating profiles or to replace data constants for operating trip profiles. The resulting data is transmitted to individuals in a variety of ways. Column 6 describes the use of an oscilloscope or digital analyzer, as well as the use of visible

indicators to indicate data values or status of DE breakers. Moreover, column 6, lines 40 - 55 describe an external alarm for use in the event of emergencies. The external alarm may be a dedicated unit or a connection to a fire department or the like. The external alarm may provide prerecorded voice messages for specific conditions stored within the LCM which may be activated during operation of an external alarm function.

Of importance, there is no suggestion for the prerecorded voice messages to be transmitted in any way but audibly. Specifically, there is no suggestion within *Spencer* that prerecorded voice messages be transmitted over a public switched telephone network as claimed by Applicant. Furthermore, there is no suggestion that voice messages be transmitted to an answering machine.

Patentability of Independent Claims 1 and 5

It is a fundamental axiom of patent law that the prior art must disclose or teach each and every one of the claim limitations for a claim to be rejected as obvious. Here, independent Claims 1 and 5 include several limitations which are not suggested within *Petite* or *Spencer*. Specifically, neither *Petite* nor *Spencer* describe an alert system including a transmitter for transmitting voice messages over a public switched telephone network. Neither *Petite* nor *Spencer* suggest a trigger for transmitting voice messages to a predetermined telephone number.

To the contrary, *Petite* does not suggest the use of voice messages of any kind. Meanwhile *Spencer* includes one sentence referring to the use of prerecorded voice messages, but

there is no suggestion that the voice messages be transmitted to a remote location, let alone transmitted over a public switched telephone network as claimed by Applicant.

Thus, the prior art does not suggest several elements found in the only independent Claims 1 and 5. These claims are believed allowable and since dependent Claims 2 - 4 and 6 - 8 depend from allowable claims, these claims are also believed allowable.

Patentability of Claims 2 - 4 and 6 - 8

The Examiner has indicated that Claims 4 and 8 are allowable if rewritten in independent form. In addition, Claims 2 - 3 and 6 - 7 include additional features not suggested in the prior art which provide additional basis for patentability. Specifically, Claims 2 and 6 include the step of recording a telephone message on an answering machine. Neither *Petite* nor *Spencer* refer to the use of an answering machine for recording voice messages of any kind.

The Examiner states that *Petite* discloses an alert system wherein "said transmitter leaves a voice-mail message with an answering system. . ." (page 4, paragraph 3). However, the lines cited by the Examiner nowhere refer to a transmitter, leaving of voice messages, or an answering machine. To the contrary, the Examiner concedes that "*Petite* fails to disclose a recorder storing one or more pre-recorded voice messages, said voice messages corresponding to machine event." (Page 3, paragraph 5).

Meanwhile, Claims 3 and 7 include limitations wherein the alert system includes a clock connected to a trigger for transmitting voice messages at predetermined times. Neither *Petite* nor *Spencer* describe a clock of any kind and certainly do not suggest a trigger sending voice messages at predetermined times. Meanwhile, the lines cited by the Examiner in *Petite* do not refer to a clock, voice messages or transmission of alerts at predetermined times. Instead, the only suggestion within *Petite* is that alerts are sent when events are sensed.

Accordingly, the dependent claims provide additional basis for the patentability of Applicant's claimed invention.

CONCLUSION

Claims 1 - 8 are believed to be in condition for allowance and notice thereof is respectfully requested.

If there are any remaining issues that need to be resolved, it is requested that a telephone call be placed to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. Duckworth", with a stylized, cursive script.

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